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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,922	01/31/2005	Hiroshi Oota	260971US6PCT	6635

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EXAMINER	
EKPO, NNENNA NGOZI	

ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
01/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/522,922	OOTA, HIROSHI	
	Examiner	Art Unit	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08). Paper No(s)/Mail Date *01/31/2005 & 02/08/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on January 31, 2005 and February 08, 2007 has been considered by the examiner (see attached PTO-1449 form).

Drawings

3. **Figure 1** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-6, 10-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sie et al. (U.S. Patent No. 7,240,359) in view of Fuller (U.S. Patent No. 5,818,512).

Regarding **claims 1 and 10**, Sie et al. discloses a receiving apparatus (see fig 5 (120)) which can switch (see col. 7, lines 7-9, the remote control is used to switch to the selected channel) and receive a television broadcast and stream data (see col. 6, lines 29-32, the set top box receives programs from the satellite dish), comprising:

reproducing means (see fig 5 (524)) for reproducing the received stream data (see col. 6, lines 55-65);

switching means for switching an input between an input from said reproducing means (program on television) and another input (prerecorded version) (see col. 21, lines 1-11); and

communicating means for communicating (request) with a transmitting source (server) of said stream data (program) (see col. 2, lines 13-18),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means (see col. 1, lines 65-col. 2, line 8),

in the case where said input is switched again from another input to an output from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

However, Sie et al. fails to specifically discloses a stop request to stop transmission of said stream data is transmitted to the transmitting source of said stream data by said communicating means, and a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means.

Fuller discloses a stop request to stop transmission of said stream data is transmitted to the transmitting source (video server) of said stream data by said communicating means (see col. 15, lines 65- col. 16, line 3), and

a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means (see col. 15, lines 39-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al.'s invention with the above mentioned limitation as taught by Fuller for the advantage of going back to old channels at the point where the viewer left off.

Regarding **claim 2**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses a receiving apparatus (see fig 5 (120))

input has been switched from the input from said reproducing means (program on television) to said and another input (prerecorded version) by said switching means (see col. 21, lines 1-11);

wherein after said input had been switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means, in the case where said input was switched again from said another input to the input from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

Fuller discloses position information obtaining means (bookmark) for obtaining position information showing a position on said stream data which is reproduced by said reproducing means at a point of time (see col. 15, lines 39-47),

said start request to start the reproduction of said stream data from the position based on said position information obtained by said position information obtaining means is transmitted to said transmitting source of said stream data by said communicating means (see col. 16, lines 1-8).

Regarding **claim 3**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses a receiving apparatus (see fig 5 (120)) wherein the reception of the stream data and the transmission of said stop request (col. 15, line 43) or said start request (see col. 16, line 7, reactivate) are executed by different communicating means (see col. 15, lines 39-col. 16, lines 12).

Regarding **claim 4**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, an address (unique address) of an apparatus (room terminal, 208) is transmitted together with said start request (see col. 14, lines 66-col. 16, line 12).

Regarding **claim 5**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, information of said transmitting source (col. 15, line 15, "channel 15") is transmitted together with said start request (see col. 15, lines 11-col. 16, line 12).

Regarding **claim 6**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, information showing the stream data (program) is transmitted together with said start request (see col. 16, lines 1-12).

Regarding **claim 11**, Sie et al. discloses a stream distribution system for distributing stream data (see col. 6, lines 1-9) to a receiving apparatus (see fig 5 (120)) which can switch (see col. 7, lines 7-9, the remote control is used to switch to the

selected channel) and receive (see col. 6, lines 29-32, the set top box receives programs from the satellite dish) a television broadcast and the stream data, comprising:

a stream data server (transmission system, 108) for reproducing and transmitting (route) the stream data (see col. 5, lines 12-25); and

the receiving apparatus (see fig 5 (120)) having reproducing means (see fig 5 (524)) for receiving said stream data transmitted from said stream data server (transmission system, 108) and reproducing said received stream data (see col. 6, lines 29-65), switching means for switching an input between an input from said reproducing means (program on television) and another input (prerecorded version) (see col. 21, lines 1-11), and

communicating means for communicating (request) with said stream data server (see col. 2, lines 13-18),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means (see col. 1, lines 65-col. 2, line 8),

in the case where said input is switched again from said another input to an input from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

However, Sie et al. fails to specifically disclose said receiving apparatus transmits a stop request to stop the transmission of said stream data to said stream data server by said communicating means,

said stream data server stops the transmission of said stream data by said stream data server in accordance with said stop request,

said receiving apparatus transmits a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped to said stream data server by said communicating means, and

said stream data server reproduces said stream data from the position where the transmission of said stream data has been stopped and transmits said stream data to said receiving apparatus in accordance with said start request.

Fuller discloses said receiving apparatus transmits a stop request to stop the transmission of said stream data to said stream data server by said communicating means (see col. 15, lines 65- col. 16, line 3),

said stream data server stops the transmission of said stream data by said stream data server in accordance with said stop request (see col. 15, lines 65-col. 16, lines 1),

said receiving apparatus transmits a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped to said stream data server by said communicating means (see col. 15, lines 39-56), and

said stream data server reproduces said stream data from the position where the transmission of said stream data has been stopped and transmits said stream data to said receiving apparatus in accordance with said start request (see col. 16, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al.'s invention with the above mentioned limitation as taught by Fuller for the advantage of going back to old channels at the point where the viewer left off.

Regarding **claim 12**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9) wherein the reception of the stream data from said stream data server and the transmission of said stop request (col. 15, line 43) or said start request (see col. 16, line 7, reactivate) to said stream data server are executed by different communicating means (see col. 15, lines 39-col. 16, lines 12).

Regarding **claim 13**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, an address (unique address) of an apparatus (room terminal, 208) is transmitted together with said start request (see col. 14, lines 66-col. 16, line 12).

Regarding **claim 14**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, information showing said stream data server (col. 15, line 15, "channel 15") is transmitted together with said start request (see col. 15, lines 11-col. 16, line 12).

Regarding **claim 15**, Sie at al. and Fuller disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, information showing the stream data (program) is transmitted together with said start request (see col. 16, lines 1-12).

Regarding **claim 16**, Sie et al. and Fuller discloses everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9 and fig 4 (408)) and receiving apparatus (see fig 4 (120)),

input has been switched from the input from said reproducing means to said another input by said switching means, and after said input had been switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means, in the case where said input was switched again from said another input to the input from said reproducing

means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another),

Fuller discloses position information showing a position on said stream data which is reproduced by said reproducing means (see col. 15, lines 39-47),

start request to start the reproduction of said stream data from the position based on said position information obtained by said position information obtaining means is transmitted to said stream data server by said communicating means (see col. 16, lines 1-8).

6. **Claims 7-9 and 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sie et al. (U.S. Patent No. 7,240,359) and Fuller (U.S. Patent No. 5,818,512) as applied to *claim 1* above, and further in view of Bendinelli et al. (U.S. Patent No. 6,792,618).

Regarding **claim 7**,, Sie et al. and Fuller discloses everything claimed as applied above (*see claim 1*).

Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Fuller et al. discloses said start request is transmitted to said selected transmitting source by said communicating means (see col. 16, lines 3-8).

However, Sie et al. and Fuller fail to specifically disclose history storing means for storing information of said transmitting source of said stream data reproduced by said reproducing means as a history, and

wherein if the input is switched by said switching means during the reproduction

of said stream data by said reproducing means, said transmitting source is selected from said history storing means in accordance with the switching of said input by said switching means.

Bendinelli et al. discloses history storing means (memory, 20) for storing information of said transmitting source of said stream data reproduced by said reproducing means as a history (see col. 4, lines 15-43), and

wherein if the input is switched by said switching means during the reproduction of said stream data by said reproducing means, said transmitting source is selected from said history storing means in accordance with the switching of said input by said switching means (col. 5, lines 32-col. 6, line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al. and Fuller's invention with the above mentioned limitation as taught by Bendinelli et al. for the analysis of the use of contents displayed.

Regarding **claim 8**, Sie et al., Fuller and Bendinelli et al. discloses everything claimed as applied above (*see claim 7*).

Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Bendinelli et al. discloses a URL of said transmitting source has been stored in said history (see col. 2, lines 4-9).

Regarding **claim 9**, Sie et al., Fuller and Bendinelli et al. discloses everything

claimed as applied above (*see claim 7*).

Sie et al. discloses a receiving apparatus (see fig 5 (120)).

Bendinelli et al. discloses URLs of the streams stored in said transmitting source have been stored in said history, respectively (see col. 2, lines 1-9).

Regarding **claim 17**, Sie et al. and Fuller discloses everything claimed as applied above (*see claim 11*).

Sie et al. discloses a stream distribution system (see col. 6, lines 1-9) and a receiving apparatus (see fig 5 (120)).

Fuller et al. discloses said start request is transmitted to said selected transmitting source by said communicating means (see col. 16, lines 3-8).

However, Sie et al. and Fuller fail to specifically disclose history storing means for storing information, as a history, of said stream data server which transmitted said stream data reproduced by said reproducing means, and

if the input is switched by said switching means during the reproduction of said stream data by said reproducing means, said stream data server is selected from said history storing means in accordance with the switching of said input by said switching means.

Bendinelli et al. discloses history storing means (memory, 20) for storing information, as a history, of said stream data server which transmitted said stream data reproduced by said reproducing means (see col. 4, lines 15-43), and

if the input is switched by said switching means during the reproduction

of said stream data by said reproducing means, said stream data server is selected from said history storing means in accordance with the switching of said input by said switching means (col. 5, lines 32-col. 6, line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al. and Fuller's invention with the above mentioned limitation as taught by Bendinelli et al. for the analysis of the use of contents displayed.

Regarding **claim 18**, Sie et al., Fuller and Bendinelli et al. discloses everything claimed as applied above (*see claim 17*).

Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Bendinelli et al. discloses a URL of said transmitting source has been stored in said history (see col. 2, lines 4-9).

Regarding **claim 19**, Sie et al., Fuller and Bendinelli et al. discloses everything claimed as applied above (*see claim 17*).

Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Bendinelli et al. discloses URLs of the streams stored in said transmitting source have been stored in said history, respectively (see col. 2, lines 1-9).

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moeller et al. (U.S. Patent No. 5,828,370) discloses a display unit with graphical icon such as a slider bar to indicate a desire to "jump" to a different location in the movie or video stream (see abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne
January 16, 2008.

BRIAN PENDLETON
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